

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:14-CR-198

v.

Honorable Robert J. Jonker
Chief U.S. District Court Judge

JEFFREY DUANE COX,

Defendant.

DEFENDANT'S MEMORANDUM REGARDING SENTENCING
AND MOTION FOR A VARIANCE FROM THE SENTENCING
GUIDELINES BASED ON THE APPLICATION OF THE FACTORS
SET FORTH IN 18 U.S.C. §3553(a)

Introduction

On September 30, 2016, the Court will sentence Jeffrey Cox on the counts of conviction described in the Presentence Investigation Report ("PSR"). Mr. Cox has tendered certain objections to the PSR. In this Memorandum, he will clarify the objections, note which objections have been withdrawn, and explain why he believes this Court's sentence should be less than the "total sentence" identified in the PSR.

Objections

1. **Accuracy of the Evidence at Trial.** Mr. Cox has objected to the description of the facts in this case occurring at trial. He continues with that objection, but will offer nothing at sentencing to supplement his objection. He recognizes that the Court heard and evaluated all of the evidence and he makes this objection as a matter of record preservation.

2. **Obstruction of Justice.** Paragraphs 41, 42, and 90 discuss a 2 level adjustment for "obstruction of justice." Defendant objects to this enhancement. He did not obstruct or impede the

administration of justice as noted in the PSR. His letters did not seek to influence any witnesses. His alleged threats are not credible. Paragraph 90 should be stricken and the scoring in ¶91 should be reduced to 38.

3. **Multiple Count Adjustment.** Defendant withdraws his objection to the Multiple Count Adjustment.

4. **Total Sentence Calculation.** Defendant agrees that the total sentence calculation is 2,880 months. He contends that the mandatory minimum sentence is 180 months.

5. **Restitution.** Defendant does not object to the restitution figure included in the PSR.

6. **“Stacking Sentences.”** Mr. Cox agrees that this Court has the discretion to impose a sentence that is between 180 and 2,880 months. Defendant further contends that a sentence at the lower end of this range is appropriate.

Facts and Section 3553(a) Factors

Jeffrey Cox is 44 years old. The facts he will discuss here relate to his youth. He will not discuss the conduct described in any charging documents or in the Offense Conduct section of the PSR. The Offender Characteristics section of the PSR, most specifically at ¶¶138, 140 and 141, describes important facts. During his youth, Mr. Cox was continually subjected to physical and sexual abuse. He was often neglected. Mr. Cox was raised in a series of difficult environments. He was raised in a household apparently headed by Dale Rinehart, Sr. from ages 3-13. Mr. Cox was beaten regularly, both as described in the PSR and on other occasions. He had no safe place to turn for respite. His mother did nothing to protect him.

At age 7, Mr. Cox was sexually abused for at least a year by his maternal uncle. Again, he had no place to turn for protection. Later in life, Mr. Cox met his biological father, a registered sex offender. His brother is also a sex offender.

Mr. Cox's mother not only failed to protect him, but she spent long periods ignoring him while she engaged in binge drinking outside the family home.

Mr. Cox will serve a very lengthy prison sentence. He could certainly benefit from all counseling available in order to address the residual effects of his early years, as well as his present state of mind. He could also benefit from medical treatment. He suffers from severe asthma, and needs medical care.

Any sentence at or above the statutory minimum will also reflect the seriousness of the offenses involved and provide just punishment. It will deter others considering similar crimes. The facts presented during the case indicate that the situation is well-publicized in Albion and surrounding areas. A message has been sent by the Brandon Russell sentencing, and will be reaffirmed by a similar sentence imposed against Mr. Cox.

Conclusion

Mr. Cox requests this Court to impose a sentence which is sufficient but not greater than necessary in order to punish Mr. Cox based on the facts of this case. Mr. Cox believes that a sentence of 15 years will accomplish this.

Regardless of the length of the sentence imposed, Mr. Cox requests placement at a location housing persons convicted of similar offenses so that the physical danger to him will be lessened, and the chance of assignment to meaningful counselling and programs will be increased.

Date: September 27, 2016

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